

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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PARK LANE IBS, LLC AND
STONEHAVEN, LLC,

Petitioners,

23-cv-8620 (PKC)

-against-

ORDER

UNBND GROUP PTY LTD.,

Respondent.
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CASTEL, U.S.D.J.

The limited subject matter jurisdiction of a district court is best addressed at the outset of a case. It falls upon the Court to raise issues of subject matter jurisdiction sua sponte.

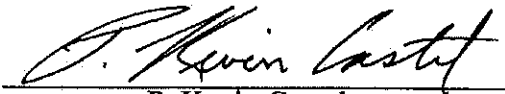
This action was originally brought in the Supreme Court of the State of New York, County of New York and removed to this Court by fewer than all defendants. According to the Notice of Removal, jurisdiction is premised on diversity of citizenship. Several defects, however, appear on the face of the Notice of Removal.

Where a complaint premised upon diversity of citizenship names a limited liability company as a party, the complaint must allege the citizenship of natural persons who are members of the limited liability company as well as the place of incorporation and principal place of business of any corporate entities that are members of the limited liability company. See Handelsman v. Bedford Vill. Assocs. Ltd. P'ship, 213 F.3d 48, 51–52 (2d Cir. 2000); Strother v. Harte, 171 F. Supp. 2d 203, 205 (S.D.N.Y. 2001) (“For purposes of diversity jurisdiction, a limited liability company has the citizenship of each of its members.”); Fed. R. Civ. P. Rule 8(a). Here, the Notice of Removal fails to allege the citizenship of each of the members of Plaintiff Stonehaven, LLC. (Notice of Removal (ECF 1) ¶ 3(b).)

Second, in its Notice of Removal, Unbnd identifies itself as an “Australian entity.” (Id. ¶ 3(c).) In its Petition in the underlying state court action, Unbnd is described as “an Australian entity with its principal place of business in Canberra, ACT, Australia.” (Id. (ECF 1-2) ¶ 14). While these statements suggest that Unbnd is incorporated in Australia and has its principal place of business there, they are absent from the Notice of Removal.

Within fourteen (14) days of this Order, defendant Unbnd Group Pty Ltd. may serve a single interrogatory upon Plaintiff Stonehaven, LLC as to the citizenship of all natural persons who are its members, and, if any corporation is a member, the jurisdiction under whose laws it is incorporated and the principal place of business; Stonehaven, LLC shall serve its response to the interrogatory within fourteen (14) days. Within forty-five (45) days of this Order, Unbnd Group Pty Ltd. shall amend its removal petition to correct the jurisdictional deficiencies and/or omissions, including a compliant allegation of its own citizenship. If, by this date, Unbnd Group Pty Ltd. either fails to amend or is unable to amend to truthfully allege complete diversity of citizenship, then the action will be remanded to state court for lack of subject matter jurisdiction without further notice to any party.

SO ORDERED.


P. Kevin Castel
United States District Judge

Dated: New York, New York
October 5, 2023